

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 24, 1949
10:40 A. M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call:

Present: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Absent: None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney.

The reading of the Minutes was dispensed with.

Jim L. Hodges appeared and asked that he be given the contract for the concessions at the new Coliseum. The Mayor advised Mr. Hodges that this would have to be advertised for bids and his bid would be considered with any others that might be received. Councilman Johnson suggested that the 4-H Club girls and boys be given the concession rights during the Fat Stock Show to be held in the Coliseum on March 9.

Mrs. J. H. Muller, 3305 Liberty street, presented a petition from citizens living in the vicinity of Duval street, between 29th and 38th streets, requesting that the Council investigate the bus service in this area. The petition stated that service was very bad and sometimes they had to wait an hour for a bus, that this was a thickly populated area of the city and should be given good bus service. The Council referred the petition to the City Manager and requested that he get in touch with the Manager of the Austin Transit Company and see what could be done about this complaint.

The Mayor read a statement he had received from Dr. Ben Primer, Director of the Public Health and Welfare Department of the City, regarding a campaign to stamp out venereal disease, and naming the Mayor as Chairman of the "Austin Stamp Out VD Campaign. The radio and newspapers were requested to give this statement publicity.

The Mayor proclaimed Friday, March 4, 1949, as The World Day of Prayer, and urged everyone to join in this day of prayer and ask God for lasting peace, goodwill and brotherhood everywhere in the world.

The Mayor stated a letter had been received from Mr. Kenneth L. Mills, 2204 Tower Drive, requesting that a traffic light be placed at 12th and Lavaca streets because of the great traffic hazard that existed at this location. The City Manager advised the Council that money had been provided for in the 1948 budget but that it was impossible to get a timer for the light, and as

soon as this is received the light will be installed.

Councilman Glass introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 12.02 ACRES OF LAND, SAME BEING A PART OF THE DANIEL J. GILBERT SURVEY NO. 8, IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

The ordinance was then read the first time and laid over.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the property described as Lots 3, 4, and 5, Block 7, Outlot 73, Division D, Fruth Subdivision, Plat 64, Item 137, was acquired by the First English Evangelical Lutheran Church of Austin on April 6, 1947; and

WHEREAS, it is deemed equitable and expedient that the said property be considered as exempt from taxation by reason of its ownership and use exclusively for church purposes following the date of the deed to the said church; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Tax Assessor and Collector be authorized, and he is hereby so directed, to remove from the tax roll for the year 1947 that portion of the taxes pertaining to the pro rata of the said year 1947, from April 7, 1947 to December 31, 1947, inclusive, relating to the assessment covering said Lots 3, 4, and 5, Block 7, Outlot 73, Division D, Fruth Subdivision.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

Councilman Johnson introduced the following ordinance:

AN ORDINANCE GRANTING THE SOUTHWESTERN BELL TELEPHONE COMPANY, A CORPORATION, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE A TELEPHONE BUSINESS AND SYSTEM IN THE CITY OF AUSTIN, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

The ordinance was read the first time and laid over.

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFICE UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTIONS 22(e) AND 23(d) OF ARTICLE IV, RELATING RESPECTIVELY TO ONE HOUR PARKING AND LOADING ZONE LOCATIONS; AND AMENDING SECTION 80 OF ARTICLE VIII, RELATING TO REGISTRATION OF BICYCLES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman Bartholomew moved that the rule be suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Johnson moved that the following applications for taxicab operator's license, duly approved by the City Manager, be granted:

Ethel Lee Haltman,	3405 Gonzales,	4-door, 1948 Chevrolet Sedan, Motor No. FAC-241765, License No. JV-7232.
Frank Morgan,	304 E. 34th st.	4-door, 1949 Chevrolet Sedan, Engine No. GAA-38467, License No. KU-1930.
D. F. Samuel,	1500 Newning,	1949 Chevrolet, Motor No. GAA-60960, License No. KV-1853.
Howard Wynn, (col)	1125 Salina,	2-door, 1942 Ford, Motor No. 6917666, License No. JV-9118.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

Councilman Long moved that the following applications for taxicab driver's permits, duly approved by the City Manager, be granted:

Kenneth Garrett, Jr.	1807 Brazos
Frank Garza	2307 East 10th st.
James H. Hayes	3412 South Congress
Milton E. Hovis	400 Barton Springs Road
Ernest J. Kunkel	1609B East 6th st.
Daniel Mercado	1212 East 10th st.
James M. Morton (col)	1153 San Bernard

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Glass moved that the following applications for beer and wine permits, duly approved by the City Manager, be granted:

Dad's Place,	1308 East 6th st.	Andres Acosta
Pastrano Bar,	1412 East 6th st.	Simon Pastrano
Victory Grill,	1104 East 11th st.	John M. Holmes & Roy Harris

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Bartholomew moved that the following applications for a boat license, duly approved by the City Manager, be granted:

William C. Flynn,	2607 Wichita,	Flat bottom, outboard motor
Chas. E. Orr,	709 West 23rd st.	"Sea King" row boat,

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

The City Manager submitted the following bids which had been received on X-Ray Equipment for Brackenridge Hospital:

Wilson X-Ray & Surgical Supply Company, Austin, Texas
bidding on Borg Quadro-Matic Equipment - - - - - \$ 9,990.00

Westinghouse Electric Company, San Antonio, Texas,
bidding on Westinghouse Equipment - - - - - 10,652.00

R. P. Kincheloe Company, Waco, Texas, bidding on
Kelley Koett Mfg. Company equipment - - - - - 14,528.00

Councilman Glass moved that the bid of Wilson X-Ray & Surgical Supply Company, Austin, Texas, in the amount of \$9,990.00, which was recommended by the City Manager, be accepted. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, A. F. Krueger is the Contractor for the alteration of a building located at 403 West 7th street and desires a portion of the sidewalk and street space abutting Lot C, Block 73, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said A. F. Krueger, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the centerline of West 7th Street to a point 6 feet north of the south curb line; thence in a westerly direction and parallel with the centerline of West 7th Street approximately 46 feet to a point; thence in a southerly direction and at right angles to the centerline of West 7th Street to the northwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said A. F. Krueger, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2). That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3). That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4). That "No Parkign" signs shall be placed on the street side of the barricades.

(5). That the Contractor is permitted to construct a temporary work office within such allotted working space, provided such work office

is not within 25 feet of any corner street intersection.

(6). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than April 1, 1949.

(10). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13). That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its

underground telephone conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Department of Public Works; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduits in the following streets:

- (1) An underground telephone conduit across East 32nd Street, at a location 370 feet east of and parallel to the centerline of Red River Street.

THAT the work and construction of said underground telephone conduits including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Department of Public Works; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its pole lines in the following streets:

- (1). A telephone line in LAMAR BOULEVARD, from West 30th Street to West 34th Street, the centerline of which pole line shall be 10 feet west of and parallel to the east property line of said LAMAR BOULEVARD.

- (2). A telephone pole line in LAMAR BOULEVARD, from West 37th Street to West 40th Street, the centerline of which pole line shall be 10 feet east of and parallel to the west property line of said LAMAR BOULEVARD.

THAT the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The motion carried by the following vote: Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller.

Noes: None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in GUADALUPE STREET, from Brentwood Street northerly 433 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said GUADALUPE STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in GAYLOR STREET, from Guadalupe Street westerly 239 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said GAYLOR STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in CANION STREET, from Guadalupe Street easterly 88 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said CANION STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in LAMAR BOULEVARD across West 39th Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west property line of said LAMAR BOULEVARD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in LAMAR BOULEVARD, across West 39 $\frac{1}{2}$ Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west property line of said LAMAR BOULEVARD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in LAMAR BOULEVARD, across West 40th Street intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west property line of said LAMAR

BOULEVARD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7). A gas main in WEST 40th STREET, from Lamar Boulevard westerly 15 feet, the centerline of which gas main shall be 21 feet south of and parallel to the north property line of said WEST 40th STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8). A gas main in FUNSTON STREET, from a point 48 feet north of West 30th Street southerly 23 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said FUNSTON STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(9). A gas main in EDGECLIFF TERRACE, from a point 120 feet west of Alta Vista Avenue easterly 90 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet north of and parallel to the south property line of said EDGECLIFF TERRACE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(10). A gas main in LAMAR BOULEVARD, from a point 22 feet south of West 34th Street southerly 80 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said LAMAR BOULEVARD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain

franchises granted to said company by the City of Austin:

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Pursuant to published notice thereof, the public hearing of the application of Wilhelmine B. Sheffield for the C. J. BOES ESTATE to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District, to-wit:

West 60 feet of Lot 3, Block R, Ridgetop Addition, located at 4914-4920 East Avenue in the City of Austin, Travis County, Texas,

was duly opened.

No one appeared for or against the change, and the Board of Adjustment had recommended the change. Because this property fronts on Highway 20 and is now business property, and there were no protests, Councilman Glass moved that the recommendation of the Board of Adjustment be sustained and the change GRANTED and the City Attorney instructed to prepare an ordinance. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Pursuant to published notice thereof, the public hearing of the application of Bert Ford for V. G. Okie to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "C-1" Commercial District to "C-2" Commercial District, to-wit:

Lots 1 to 25, Arboles Terrace, and a tract 75'x150' adjoining said lots on the east, said tract being unplatted and out of the E. C. Kingsbury et al tract, said lots and 75x150' tract extending from Dawson Road to Bouldin Avenue and facing on Barton Springs Road in the City of Austin, Travis County, Texas,

was duly opened.

Bert Ford appeared for the change, but no one protested the change. Councilman Glass moved that the recommendation of the Board of Adjustment - that is to change only Lots 4, 5, 6, and 7, Arboles Terrace - be sustained and this change GRANTED and the City Attorney instructed to prepare an ordinance. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Pursuant to published notice thereof, the public hearing of the appli-

cation of E. C. McClure and Lem Scarbrough to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District, towit:

A strip of land on the east side of Middle Fiskville Road extending from the north line of Brooks Subdivision to Atkinson Road being a distance of 2273.23 feet, and having a depth of 150 feet, such tract being the west 150'x 2273.23' of the Lemuel Scarbrough Tract in the City of Austin, Travis County, Texas,

was duly opened.

There was no one present to protest the change, and the Board of Adjustment had RECOMMENDED this change; therefore, Councilman Glass moved that the recommendation of the Board of Adjustment be sustained and the change GRANTED and the City Attorney instructed to prepare an ordinance. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller.
Noes: None.

Pursuant to published notice thereof, the public hearing of the application of W. A. King to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "C" Commercial District to "C-2" Commercial District, towit:

North 42½ feet of Lots 9, 10, 11 and 12, subdivision of Outlot 11, Division "Z", located at 506 Lamar Boulevard, in the City of Austin, Travis County, Texas,

was duly opened.

Mrs. W. A. King appeared in behalf of this change. She stated that they wished to rent this part of their building for a package store and they felt it would not be objectionable as this would be for off-premises consumption, and it would help them with their expenses.

Mr. Chas. Herring, representing Mrs. Bess Glissman, appeared and stated that his client believed that should this change be granted it would greatly depreciate her property; further, that at some future date the property might be rented to a person who would use it for a cafe or dance hall where intoxicating beverages would be sold and consumed on the premises. Others appearing to protest this change were: Mrs. Howard Granberry, Mr. John Q. Gaines, Mr. Geo. Shelley representing the McKean Estate.

After hearing the discussion of this request, Councilman Johnson moved that the recommendation of the Board of Adjustment be sustained and the change NOT be granted. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

Pursuant to a notice sent to the interested property owners, a rehearing on the application of M. H. Crockett to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District:

The south 79 feet of Lot 4, and all of Lots 5 and 6, in Block 6, H. B. Seiders' Subdivision in the George W. Spear League, located between West 39½ Street and West 40th Street, in the City of Austin, Travis County,

was duly opened.

Mr. Crockett appeared to plead for the change.

The following property owners appeared against the change: Arthur Crawford, Mrs. A. L. Nelson for herself and Mrs. McKeen. These parties opposed this change chiefly because they did not know what Mr. Crockett was going to build on his property. Mr. Crockett stated that at the present he did not know just what he would use the property for.

After a lengthy discussion, pro and con, Mr. Crockett asked to withdraw his application until some future date. His request was granted.

The hearing on the application of W. T. Caswell and Jake Silberstein for a change in their property, from "A" Residence to "C" Commercial, located in the 200 block of Chicon street, 200 to 210, inclusive, which was continued from the last meeting of the Council was resumed. The Mayor stated that the Council had inspected this location and was now ready to vote.

Councilman Glass moved that the recommendation of the Board of Adjustment be sustained with the exception of their recommendation to exclude Lot 6, and that the request for the change of the entire block be GRANTED and the City Attorney be requested to prepare an ordinance. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

The hearing on the application of J. W. Vaughn for a change in zoning of his property located at 6800 Guadalupe street, from "A" Residence District to "C" Commercial District, which was continued from the last meeting of the Council was resumed. The Mayor stated that the City Attorney had read the deed to this property and advised the Council that the deed restrictions would not prevent the Council from changing the zone of this property.

Councilman Long moved that the application of J. W. Vaughn for a change in the zoning of his property located at 6800 Guadalupe street, from "A" Residence District to "C" Commercial, which was recommended by the Board of Adjustment be GRANTED and that the City Attorney be instructed to prepare an ordinance. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Johnson moved that the following applications for a change in zoning be set for public hearing on March 17, 1949, 11 A. M.:

R. T. McAlister, 1113 Chicon street, change from "A" to "C", the property located at 1111-1113 Chicon street, Austin, Texas

Board of Adjustment RECOMMENDS this change.

C. B. McCullough, 5000 Georgetown Road, change from "A" to "C", the property located at 806 and 808 Capitol Court, Austin, Texas

Board of Adjustment RECOMMENDS this change.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Councilman Glass moved that the following applications for change of zoning be referred to the Board of Adjustment for consideration and recommendation:

Mr and Mrs Cecil M. Cabiness, 2707 East Avenue, change from "A" Residence to "C" Commercial, the property located at 2705 and 2707 East Avenue.

Mr. and Mrs. J. Miller Elliott,
by Harry Pollard, Atty. change from "B" Residence to "C" Commercial, the property located at 306 East 10th street.

Frederick Eby, Jr., 1011 W. 31st st., change from "B" Residence to "C" Commercial, the property located at 2803 Cole street, or Lot 10, Block 1, Fellman Heights, Division C.

Frank Glaminger, Kenneth E. Davis
T. C. Homeyer, Sr. change from "A" Residence to "C" Commercial, the West portion of Lots 8, 25 and 26, Duval Heights, for a depth of 150' from the east line of the Interstate Highway; also the north portion of Lot 9, Duval Heights for a depth of 150' from the south line of Highway 20.

Adolph Kohn Estate by Coleman Gay, Atty. change from "B" Residence to "C" Commercial, the property located at 407 West 7th street.

A. H. Neighbors, Sr. change from "B" Residence to "C" Commercial the property located at 1001 East 30th street.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the property described as Lots 3, 4 and 5, Block 7, Outlot 73, Division D, Fruth Subdivision, Plat 64, Item 137, was acquired by The First English Evangelical Luthern Church of Austin on April 6, 1947; and

WHEREAS, it is deemed equitable and expedient that the said property be considered as exempt from taxation by reason of its ownership and use exclusively for church purposes following the date of the deed to the said church, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Tax Assessor and Collector be authorized, and he is hereby so directed, to remove from the tax roll for the year 1947 that portion of the taxes pertaining to the pro-rata of the said year 1947 from April 7, 1947 to December 31, 1947, inclusive, relating to the assessment covering said Lots 3, 4, 5, Block 7, Outlot 73, Division D, Fruth Subdivision.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Bartholomew introduce the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT ON LOTS 4 AND 5, BLOCK 2, OUTLOT 34, DIVISION B AND ON WEST ONE-HALF OF LOTS 7 AND 8, BLOCK 13, GLENWOOD ADDITION, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Bartholomew moved that the rule be suspended and the ordinance passed to its second reading.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

The ordinance was read the second time and Councilman Bartholomew moved that the rule be suspended and the ordinance passed to its third reading.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

The ordinance was read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

The Mayor then announced that the ordinance had been finally passed.

The Board of Equalization presented a supplemental report on tax appeals. After discussing this report, Councilman Bartholomew moved that the report be accepted and made a part of the original report. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller.
Noes: None

The supplemental report is as follows:

"February 24, 1949

Memorandum to: City Council
From: Messers. Key, Bull and Belmont
Subject: Supplemental report on tax appeals, submitted 2/17/49

I.

Improvements, C. A. Johnson, 2107 Longfellow St., Plat 43, Item 63.

We recommend changing unit and depreciation as reflected on card to reduce assessed value from \$420.00 to \$250.00.

II.

Improvements, D. C. Ebner, 2209 Canterbury St., Plat 19, Item 210-2.

A thorough inspection disclosed this house to be under-valued in relation to surrounding property and will require the base unit to be raised from its present \$3.25 per square foot to \$3.50 per square foot, all less 10% for sub-standard construction. However, it is recommended this correction be made for 1949 and the present value of \$1,840.00 remain unchanged for 1948.

III.

Improvements, A. D. Alley, 804 Rutherford Place, Plat 134, Item 8.

We recommend an additional 10% depreciation be given for excessive cracking of masonry walls thus reducing the assessed value from \$5,330.00 to \$4,570.00. As to 806 Rutherford, Item 9, and 808 Rutherford, Item 10, same owner as above, we recommend no change be made.

IV.

Land, Pearson Subdivision lots as follows:

Block A, Lots 1 thru 8, Block B, Lots 1 thru 5
Block C, Lots 1 thru 5, Block D, Lots 1 thru 8

We recommend all be given 50% discount for 1948 only for incompleteness of development."

Councilman Glass moved that the Fire Marshal, Building Inspector and City Attorney be instructed to make a study of the Building Code and Fire regulations for the purpose of revising these, because some of the provisions have become obsolete, and thereby making it possible for Austin to receive a reduction in fire insurance rates. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

The Council agreed to go with the Board of Equalization to inspect the Scarbrough Building and the Littlefield Building to determine the actual value to be placed on these buildings; the time being set for Thursday, March 3rd, at 2 P. M.

There being no further business, upon motion of Councilman Johnson, the meeting was recessed at 12:35 P. M., subject to call of the Mayor.

APPROVED.

Tom Miller
Mayor

ATTEST:

Helen K. Busch
Acting City Clerk